

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
ELKINS

UNITED STATES OF AMERICA,

Plaintiff,

v.

**Criminal Action No. 2:11-CR-16-11
(BAILEY)**

LESLIE DOMINIC MUSGROVE,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation of United States Magistrate Judge David J. Joel. By Local Rule, this action was referred to Magistrate Judge Joel for submission of a proposed report and a recommendation ("R&R"). Magistrate Judge Joel filed his R&R on August 15, 2011 [Doc. 150]. In that filing, the magistrate judge recommended that this Court deny the defendant's Motion to Exclude Government's Evidence [Doc. 114] and Motion to Dismiss [Doc. 115].

Pursuant to 28 U.S.C. § 636 (b)(1)(c), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. ***Thomas v. Arn***, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo*

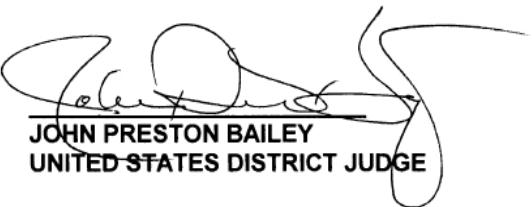
review and the right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); ***Snyder v. Ridenour***, 889 F.2d 1363, 1366 (4th Cir. 1989); ***United States v. Schronce***, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge Joel's R&R were due on August 16, 2011. ([Doc. 150] at 18-19). On August 15, 2011, the defendant retained new counsel. Because new counsel has neither filed objections nor moved for an extension of the objections deadline within fourteen (14) days of his appearance, this Court will review the R&R for clear error.

Upon careful review of the R&R, it is the opinion of this Court that the magistrate judge's Report and Recommendation [Doc. 150] should be, and is, hereby **ORDERED** **ADOPTED** for the reasons more fully stated in the magistrate judge's report. As such, this Court hereby **DENIES** the defendant's Motion to Exclude Government's Evidence [Doc. 114] and Motion to Dismiss [Doc. 115].

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to any counsel of record herein.

DATED: September 12, 2011.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE